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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
10/039,390	10/29/2001	James T. Dumas	10541/587	1986		
29074	7590 11/26/2003		EXAM	EXAMINER		
	FER GILSON & LIO	SINES, E	SINES, BRIAN J			
P.O. BOX 103 CHICAGO, II			ART UNIT	PAPER NUMBER		
,		•	1743			
			DATE MAILED: 11/26/200	3		

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.		Applicant(s)						
	10/039,390	ļ [,]	DUMAS ET AL.						
Office Action Summary	Examiner		Art Unit						
	Brian J. Sines		1743						
Th MAILING DATE of this communication app Period for Reply	oears on the cover sh	t with the	correspondence ad	dress					
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period or - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	136(a). In no event, however, n by within the statutory minimum will apply and will expire SIX (6 e, cause the application to beco	nay a reply be ti of thirty (30) da) MONTHS from the ABANDON	mely filed ys will be considered timel n the mailing date of this co	y. ommunication.					
1) Responsive to communication(s) filed on	•								
2a) This action is FINAL . 2b) ⊠ This	action is non-final.								
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposition of Claims									
4) Claim(s) 1-30 is/are pending in the application	ı.								
• • • • • • • • • • • • • • • • • • • •	4a) Of the above claim(s) is/are withdrawn from consideration.								
5) Claim(s) is/are allowed.									
6) Claim(s) is/are rejected.									
• • • • • • • • • • • • • • • • • • • •	7) Claim(s) is/are objected to.								
8) Claim(s) <u>1-30</u> are subject to restriction and/or	election requirement.								
Application Papers									
9) The specification is objected to by the Examine									
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.									
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).									
11) The oath or declaration is objected to by the Ex									
Priority under 35 U.S.C. §§ 119 and 120	Adminer. Note the atte	ioned onto	2 Action of Torrit	10 102.					
	n priority under 25 II s	S C & 110/	a) (d) or (f)						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Burea * See the attached detailed Office action for a list 13) Acknowledgment is made of a claim for domest since a specific reference was included in the firm 37 CFR 1.78. a) The translation of the foreign language profits the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for document is made	ts have been received the have been received ority documents have but (PCT Rule 17.2(a)). It of the certified copiestic priority under 35 U. The sentence of the specific priority under 35 U. The sentence of the specific priority under 35 U. The specific priority under 35 U.	I. I in Application receives not receives S.C. § 119 ecification constants been res.C. §§ 12	tion No red in this National ed. (e) (to a provisional or in an Application ceived. 0 and/or 121 since	al application) Data Sheet. a specific					
Attachment(s)									
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔲 Notic	ce of Informal	y (PTO-413) Paper Not Patent Application (PTo						



Application/Control Number: 10/039,390

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-23, drawn to a hydrocarbon sensor and collector, classified in class 422, subclass 88.
- II. Claims 24 30, drawn to a method for absorbing hydrocarbons and measuring the level of hydrocarbons in an engine air intake, classified in class 73, subclass 23.2.
 The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the process as claimed can be practiced with another materially different product. For example, the method does not specifically require the use of a hydrocarbon sensor and collector having an absorbing element comprising a plurality of chambers.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the



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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

A telephone call was made to Justin B. Rand on 11/3/2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines, Ph.D. whose telephone number is (703) 305-0401. The examiner can normally be reached on Monday - Friday (11:30 AM - 8 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (703) 308-4037. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Technology Center 1700